SCHEDULE

(See section 29)

1. Teesta River
2. Rangeet River
3. Takcham chu
4. Ramphu chu
5. Aho Khola
6. Andheri Khola
7. Lachen chu
8. Lachung chu
9. Rathang chu
10. Dickling Khola
11. Rongli Khola
12. Dichu
13. Pachey Khola
14. Rongni chu
15. Roro chu
16. Lungze chu
17. Biju chu
18. Rate chu
19. Bakcha chu
20. Reshi chu
21. Dick chu
22. Reshi chu
23. Chakung chu
24. Ongchu
25. Rum chu
26. Monmu chu
27. Rang Phap chu
28. Ramphu chu
29. Rangyong chu
30. Kayam chu
31. Relli chu
32. Rothak chu
33. Reshi chu
34. Kalej Khola
35. Rong Dung chu
36. Rimbi chu
37. Riyong khola
38. Bhari Khola
39. Meyong chu
40. Prekchu
41. Raman Khola
42. Song Khola
43. Pabong Khola
44. Yalichu
45. Reshi chu
46. Kanaka
47. Hee Khola
48. Dentam Khola
49. Sangya Khola
50. Manpur Khola
51. Rolu Khola
52. Rabi Khola
53. Seti Khola
54. Rabong Khola
55. Kaliz Khola
56. Rakel chu
57. Talung chu
58. Ringi chu
59. Rahi chu
60. Rongnek chu
61. Rong chu
62. Gangtok chu
63. Khedum chu
64. Byangya chu
65. Bitchu chu
66. Chyakum chu
67. Yomthang chu
68. Damang chu
69. Berungchu
70. Dongkhya chu
71. Sebuchu
72. Toklumchu
73. Semachu
74. Sevochu
75. Zemachu
76. Chholamchu
77. Lhonakchu
78. Nakuchu
79. Lhorachu
80. Lungurachu
81. Gomachu
82. Thomp
83. Pokechu
84. Burungchu
85. Gyamthangchu
86. Kalep chu
87. Lasha chu
88. Tholangchu
89. Ringphichu
90. Umram chu
91. Rubel chu
92. Phensangchu
93. Rateychu
94. Rangrang chu
95. Rangchangchu
96. Q Khola
97. Martam Khola
98. Neem Khola
99. Chokchurang chu
100. Yangsha chu
101. Chil Khola
102. Bareli Khola
103. Khani Khola (Melli).
104. Any other river that may be included by the Government, by notification, from time to time.

By Order of the Governor,

B. R. PRADHAN,
Secretary to the Government of Sikkim,
Law Department.
[File No. 16 (236)/LD/1988]

SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok, Tuesday, 18th April, 2000 No. 129

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No.8/LD/2000 **Dated the 17th April, 2000**

NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 7th day of April, 2000 is hereby published for general information:-

THE SIKKIM FORESTS, WATER COURSES AND ROAD RESERVE (PRESERVATION AND PROTECTION) AMENDMENT ACT, 2000
(ACT NO.8 OF 2000)
AN
ACT

to amend the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988.

Be it enacted by the Legislature of Sikkim in the Fifty - first Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Amendment Act, 2000.

(2) It shall come into force from the date of its notification in the Official Gazette.

Amendment of section 20.

2. In the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988 (hereinafter referred to as the principal Act), in section 20,-

(i) In clause (k) for the words "ten thousand" the words "twenty thousand" shall be substituted.

(ii) After clause (k) of section 20, the following words shall be added, namely:-

"Where an offender has been previously convicted for an offence under this section, the Magistrate having jurisdiction shall inflict a penalty of imprisonment for a term which shall not be less than three years but may extend up to seven years.

Amendment of section 22.

3. In section 22 of the principal Act, for the existing sub-section (1), the following shall be substituted:-

" (1) The State Government may, by notification in the Official Gazette declare the provisions of this Chapter applicable to any Khasmal or Gorucharan forest which is not included in a reserved forest but which is the property of Government, or over which the Government has propriety rights, or to the whole or any part of the forest produce to which the Government is entitled."

Amendment of section 24.

4. (i) In section 24 of the principal Act, in clause (h) of sub-section (1) for the words "five thousand" the words "ten thousand" shall be substituted.

(ii) after clause (h) of sub-section (1), the following words shall be added, namely:-

"Where an offender has been previously convicted for an offence under this section, the Magistrate having jurisdiction shall inflict a penalty of imprisonment for a term which shall not be less than three years but may extend up to seven years".

Amendment of section 28.

5. In section 28 of the principal Act, for the words "five thousand" the words 'ten thousand" shall be substituted.

Amendment of section 29.

6. In section 29, after sub-section (8), the following sub-section shall be inserted, namely:-

"(9) The river bank referred to in sub-section (1) of section 29 shall be under the administrative control of the Forest Department as if it were a forest constituted under this Act."

Amendment of section 30.

7. (i) In section 30 of the principal Act, in clause (b) of sub-section (1) the words "or a river bank" shall be deleted.

(ii) After clause (b) in sub-section (1), the following clause shall be inserted, namely:-

"(c) removes any forest produce from a river bank without permission".

(iii) In sub-section (1) for the words "six thousand' the words "twelve thousand" shall be substituted.

(iv) After sub-section (1) of section 30, the following words shall be added, namely:-

"Where an offender has been previously convicted for an offence under this section, the Magistrate having jurisdiction shall inflict a penalty of imprisonment for a term which shall not be less than three years but may extend upto seven years".

Amendment of section 37.

8. In section 37 of the principal Act, for the words "two thousand" the words "five thousand" shall be substituted.

Amendment of section 42.

9. In sub-section (3) of section 42 of the principal Act, for the words "two thousand' the words 'five thousand" shall be substituted.

Amendment of section 51.

10. (1) In sub-section (3) of section 51 of the principal Act, for the words "six months" the words 'three years" and for the words "one thousand" the words 'five thousand" shall be substituted.

Amendment of section 53.

11. In sub-section (1) of section 53 of the principal Act, for the words "fifty" the words "two hundred and fifty" shall be substituted.

Amendment of Marginal Heading.

12. In the marginal heading of section 57 of the principapal Act, after the word "reserved forests" the followng words shall be inserted, namely:-

"Khasmal or Gorucharan forests."

Amendment of section 68.

13. In sub-section (1) of section 68 of the principal Act, for the words 'two thousand" the words 'five thousand" shall be substituted.

Amendment of section 69.

14. In section 69 of the principal Act, -

(i) for the words "six thousand" the words 'twelve thousand" shall be substituted.

(ii) after clause (d), the following words shall be added, namely:-

"Where an offender has been previously convicted for an offence under this section, the Magistrate having jurisdiction shall inflict a penalty of imprisonment for a term which shall not be less than three years but may extend upto five years.

Amendment of section 70.

15. In section 70 of the principal Act-

(i) In sub-section (1), after the words "forest officer" the following words shall be inserted, namely:-

"or Police officer".

(ii) for sub-section (2) the following sub-section shall be substituted namely:-

"(2) Every officer making an arrest under this section shall, without unnecessary delay and subject to the provisions of this Act as to release on bond, take or send the person arrested before the Magistrate having jurisdiction in the case, or to the Officer-In-Charge of the nearest Police Station."

Amendment of section 71.

16. After section 71 of the principal Act, the following section shall be inserted, namely:-

"71 A. Certain offences to be non-bailable -
Notwithstanding anything contained in this Act or in the Code of Criminal Procedure, 1973,-

(a) The offences under sections or clauses of sections mentioned in clause (b) shall be non-bailable.

(b) The sections and clauses of sections of this Act referred to in clause (a) are the following, namely:-
(i) section 20 clauses (a), (b), (c), (d), (e) and (k);
(ii) section 24 clause (a), (b), and (h) of sub-section (1);
(iii) section 42, sub-section (3) and
(iv) section 69.

(c)No person accused of any offence referred to in clause (b), shall if in custody, be released on bail or on his own bond unless-
(i) the prosecution has been given an opportunity to oppose the application for such release, and,
(ii) where the prosecution opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence."

Amendment of section 72.

17. For section 72 of the principal Act, the following shall be subsituted, namely:-

"72. The Chief Judicial Magistrate or any other Judicial Magistrate of the first class specially empowered in this behalf by the State Government in consultation with the High Court may, try summarily under the Code of Criminal Procedure, 1973 (2 of 1974), any forest offence punishable with imprisonment for a term not exceeding one year or with fine not exceeding two thousand rupees, or with both."

Amendment of section 74.

18. In clause (a) of sub-section (1) of section 74 of the principal Act, for the word "twice" the words 'four times" shall be substituted.

Amendment of section 79.

19. In sub-section (1) of section 79 of the principal Act, after clause (j) the following clause shall be inserted, namely:-

"(k) to declare any tree or group of trees or other forest produce on any land to be reserved from any date it they are of ecological, silvicultural or of heritage importance."

Amendment of section 83.

20. (1) Ater clause (g) in sub-section (2) of section 83 of the principal Act, the following clause shall be inserted namely:-

"(h) to allow quarrying of sand and stone from rivers and their banks or any other area."

(2) In sub-section (2) of section 83 of the principal Act, clause (h) shall be renumbered as clause "(i)".

Amendment of section 84.

21. In section 84 of the principal Act, -

(i) for the words "six thousand" the words "twelve thousand" shall be substituted.

(ii) After the words "or with both" the following words shall be added, namely:-

"Where the offender has been previously convicted for an offence under this section, the Magistrate having jurisdiction shall inflict a penalty of imprisonment for a term which shall not be less than three years but may extend upto seven years."

Amendment of section 85.

22. In sub-section (2) of section 85 of the principal Act-

(i) for the words "five thousand" the words " ten thousand" shall be substituted.

(ii) After the words " or with both" the following words shall be added namely:-

" Where an offender has been previously convicted for an offence under this section, the Magistrate having jurisdiction shall inflict a penalty of imprisonment for a term of one year."

By Order of the Governor,

T.D. RINZING,
SECRETARY TO THE GOVERNMENT OF SIKKIM,
LAW DEPARTMENT.
File No. 16 (82) LD/77-2000

Printed at Sikkim Government Press, Gangtok.

SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok Friday 20th April, 2007 No.151

THE SIKKIM FORESTS, WATER COURSES AND ROAD RESERVE (PRESERVATION AND PROTECTION) AMENDMENT BILL, 2007

(BILL NO.4 OF 2007)

A

BILL

No. 03/2007-08/SLAS/L & PA Dated: 5/4/07.

further to amend the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988.

BE it enacted by the Legislature of Sikkim in the Fifty-seventh Year of the Republic of India as follows :-

Short title and commencement.

1. (1) This Act may be called the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Amendment Act, 2007.
   (2) It shall come into force on the date of its publication in the Official Gazette.

Amendment of section 20.

2. In the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988 (hereinafter referred to as the principal Act), in section 20, in clause (k), for the words "twenty thousand", the words "forty thousand" shall be substituted.

Amendment of section 24.

3. In section 24 of the Principal Act, in clause (h) of sub-section (1), for the words "ten thousand", the words "twenty thousand" shall be substituted.

Amendment of section 28.

4. In section 28 of the principal Act, for the words "ten thousand", the words "twenty thousand" shall be substituted.

Amendment of section 30.

5. In section 30 of the principal Act,
   (i) after clause (c) of sub-section (1), the following clause shall be inserted, namely:-
   "(d) dumps soil, muck or wastes on a slip reserve or a road reserve or a river bank without permission.";

(ii) in sub-section (1), for the words "twelve thousand", the words "forty thousand" shall be substituted.

Amendment of section 37.

6. In section 37 of the principal Act, for the words "five thousand", the words "ten thousand" shall be substituted.

Amendment of section 42.

7. In sub-section (3) of section 42 of the principal Act, for the words "five thousand", the words "ten thousand" shall be substituted.

Amendment of section 51.

8. In sub-section (3) of section 51 of the principal Act, for the words "five thousand", the words "ten thousand" shall be substituted.

Amendment of section 53.

9. In sub-section (1) of section 53 of the principal Act, for the words "two hundred and fifty", the words "five hundred" shall be substituted.

Amendment of section 68.

10. In sub-section (1) of section 68 of the principal Act, for the words "five thousand", the words "ten thousand" shall be substituted.

Amendment of section 69.

11. In section 69 of the principal Act, for the words "twelve thousand", the words "twenty five thousand" shall be substituted.

Amendment of section 84.

12. In section 84 of the principal Act, for the words "twelve thousand", the words "twenty five thousand" shall be substituted.

Amendment of section 85.

13. In sub-section (2) of section 85 of the principal Act, for the words "ten thousand", the words "twenty thousand" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Whereas it is expendient to amend the provisions of the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988 to make them more stringent and to provide deterrent effect in keeping with the State Government's policy of preserving the State's green wealth.

S.B. SUBEDI
MINISTER-IN-CHARGE

FINANCIAL MEMORANDUM

- NIL -

MEMORANDUM REGARDING DELEGATED LEGISLATION

- NIL -

SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok | Tuesday 24th June, 2008 | No. 229

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No.04/ LD/P/2008 Date: 24.06.2008

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the President on the 16th day of May, 2008 is hereby published for general information:-

THE SIKKIM FORESTS, WATER COURSES AND ROAD RESERVE (PRESERVATION AND PROTECTION) AMENDMENT ACT, 2007
Act No. 4 of 2007

further to amend The Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act 1988

BE it enacted by the Legislature of Sikkim in the Fifty-seventh Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called The Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Amendment Act, 2007.
(2) It shall come into force on the date of its publication in the Official Gazette.

Amendment of Section 20.

2. In The Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988 (herein referred to as the principal Act), in section 20,in clause (k) for the words "twenty thousand", the words "forty thousand" shall be substituted.

Amendment of Section 24.

3. In section 24 of the principal Act, in clause (h) of sub-section (1), for the words "then thousand", the words "twenty thousand" shall be substituted.

Amendment of Section 28.

4. In section 28 of the principal Act, for the words "ten thousand", the words "twenty thousand" shall be substituted.

Amendment of Section 30.

5. In Section 30 of the principal Act,
(i) after clause (c) of sub-section (1), the following clause shall be inserted, namely:-
"(d) dumps soil, muck or wastes on a slip reserve or a road reserve or a River bank without permission.";
(ii) in sub-section (1), for the words "twelve thousand", the words "forty thousand" shall be substituted.

Amendment of Section 37.

6. In Section 37 of the principal Act, for the words "five thousand, the words "ten thousand" shall be substituted.

Amendment of Section 42.

7. In sub-section (3) of section 42 of the principal Act, for the words "five thousand", the words "ten thousand" shall be substituted.

Amendment of Section 51.

8. In sub-section (3) of section of section 51 of the principal Act, for the words "five thousand", the words "ten thousand" shall be substituted.

Amendment of Section 53.

9. In sub-section (1) of section 53 of the principal Act, for the words 'two hundred and fifty", the words "five hundred" shall be substituted.

Amendment of Section 68.

10. In sub-section (1) of section 68 of the principal Act, for the words "five thousand", the words "ten thousand" shall be substituted.

Amendment of Section 69.

11. In section 69 of the principal Act, for the words "twelve thousand", the words "twenty-five thousand" shall be substituted.

Amendment of Section 84.

12. In section 84 of the principal Act, for the words "twelve thousand", the words " twenty-five thousand" shall be substituted.

Amendment of Section 85.

13. In sub-section (2) of section 85 of the principal Act, for the words "ten ten thousand" the words "twenty thousand shall be substituted.

PRATIBHA DEVISINGH PATIL
PRESIDENT OF INDIA

R.K. PURKAYASTHA (SSJS)
LR-cum-Secretary
Law Department

S.G.P.G. - 229/ Gazette /150 Nos./Dt:- 24.6.2008.

THE SUBSEQUENT AMENDMENTS TO THE SIKKIM FORESTS, WATER COURSES AND ROAD RESERVE (PRESERVATION AND PROTECTION) ACT 1988 (ACT NO. 6 OF 1988) AMENDED AND UPDATED UPTO JUNE, 2008

SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok | Thursday 08th October, 2020 | No. 231

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 13/LD/2020 Dated: 07.10.2020

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 21st day of September, 2020 is hereby published for general information :-

THE SIKKIM FORESTS, WATER COURSES AND ROAD RESERVE (PRESERVATION AND PROTECTION) (AMENDMENT) ACT, 2020

(ACT NO. 13 OF 2020)

AN
ACT

further to amend the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988.

BE it enacted by the Legislature of Sikkim in the Seventy - first Year of Republic of India as follows :

Short title and commencement

1. (1) This Act may be called the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) (Amendment) Act, 2020.

(2) It shall extend to the whole of Sikkim.

(3) It shall come into force at once.

Amendment of Section 2

2. In the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988 in section 2, in clause (o), the word "bamboos" shall be omitted.

Jagat B. Rai (SSJS)
L.R-cum-Secretary
Law Department

S.G.P.G. 231/ Com. 2/Gazette /100 Nos./ Dt: 08.10.2020